

LETTER

OF THE

DELEGATE OF THE TERRITORY OF UTAH IN CONGRESS,

ENCLOSING THE

Memorial of delegates of the convention which assembled in Great Salt Lake City, and adopted a constitution with a view to the admission of Utah into the Union as a State, together with a copy of that constitution.

APRIL 20, 1858.—Read, ordered to lie on the table and be printed.

WASHINGTON CITY, *April 19, 1858.*

SIR: May I respectfully request you to present to the Senate the memorial and constitution which you will herewith receive.

I am, sir, with high respect, your obedient servant,

JOHN M. BERNHISEL,
Delegate from Utah.

Hon. BENJAMIN FITZPATRICK,
President of the Senate.

Memorial to the President and Congress of the United States.

Your memorialists, delegates in convention assembled in Great Salt Lake City, Utah Territory, having formed and unanimously adopted a constitution, with a view to the admission of Utah into the Union as a State, and having unanimously elected and authorized Hons. George A. Smith and John Taylor delegates, to present the said constitution and other pertinent documents to the parent government, and solicit a favorable action thereon, most respectfully represent that it is the unanimous and earnest desire of the people of this Territory that their delegates be favorably received, that the constitution in their charge meet your cordial approval, and that steps be taken, during the present session of Congress, for the admission of Utah, as a free and sovereign State, in the great confederacy of our republic, that another star, shedding mild radiance from the tops of the mountains midway between the borders of eastern and western civilization, may add its effulgence to that bright light now so broadly illuminating the governmental pathway of nations, and another link be

united to the western extremity of that strong chain of States, which it is most certainly desirable should stretch, unbroken, across the broad expanse of our common country, from the rich marts of the Atlantic to the golden coasts of the Pacific.

To enlightened statesmen it may be superfluous to allege any of the numerous weighty reasons in favor of the action now respectfully solicited, and most confidently anticipated, yet it may not be amiss to briefly adduce a few.

The constitution which will be presented for your consideration is unexceptionable in its features of republicanism and equal rights, following strictly in the channel of the constitutions of other States. The loyalty of Utah has been variously and most thoroughly tested, and has ever proved pure, even as we trust it ever will. Our position, over one thousand miles from neighboring settlements on either hand, renders the proper transaction of governmental business, as now required to be conducted, almost a nullity, as no mail has reached here by the eastern route since the 26th of last November, a period of four months, an occurrence characteristic of its past history. Almost entirely unaided we have settled isolated wilds which have lain unoccupied for centuries, except by the untutored savage and roving mountaineer, and which even now, were we to seek a more favored region, would soon revert to their former condition of dreary wastes, and crumbling ruins would alone mark the sites of present thriving civilization. We have, to a goodly degree, tamed the fury of the hordes of aborigines within our borders, are setting them peaceful examples of the advantages of civilized life and teaching them its arts; and feel abundantly able to cope with the malevolence of the few who may still prefer bloodshed to peace.

We have enacted good and wholesome laws, guarantying and protecting equally the constitutional and just rights and privileges of all classes of residents, and of those travelling through our borders. And finally, the number of our population calls for and warrants a more extended sphere of governmental operations than is to be found under a territorial organization; and aware that the genius of our free institutions most justly extends to the governed the right of electing their own rulers and officers, and of enacting their own laws and making all needful regulations not repugnant to the Constitution and laws of the United States, which we have no design, desire, or occasion for contravening; therefore, to enable the people of the Territory of Utah the better and more fully to exercise those governmental privileges, so dear to every American heart, and so obviously the right of all who dwell beneath the stars and stripes of our common country, we do most respectfully, yet earnestly, solicit the early admission of Utah as a free sovereign, and independent State, upon an equal footing with the States now forming that justly renowned confederacy, whose motto is "E Pluribus Unum."

Done in convention, in Great Salt Lake City, Utah Territory, on the twenty-seventh day of March, A. D. 1856.

J. M. GRANT,
President of the Convention.

THOMAS BULLOCK, *Secretary.*

CONSTITUTION OF THE STATE OF DESERET.

PREAMBLE.

Whereas, all citizens of the United States have the right guaranteed by the Constitution to make those laws by which they are governed ; and

Whereas, it appears from a census report, made pursuant to an act of the late legislature, that the Territory of Utah possesses a population sufficiently numerous to justify them in asserting their claims to this inestimable privilege :

Therefore we, the people, grateful to the Supreme Being for the enjoyment of life and mercy, and feeling our dependence on Him for a continuance of those blessings, do ordain and establish the following constitution.

ARTICLE I.

Boundary and name.

SECTION 1. All that part of the territory of the United States now known as Utah Territory, and bounded as follows, viz: On the west by the State of California ; on the north by the Territory of Oregon ; on the east by the summit of the Rocky mountains, and on the south by the thirty-seventh (37th) parallel of north latitude, is hereby formed into a free and sovereign State, and named Deseret.

ARTICLE II.

Declaration of rights.

SECTION 1. In republican governments all men should possess their natural rights, among which are those of enjoying and defending their life and liberty ; acquiring, possessing, and protecting property, and of seeking and obtaining their safety and happiness.

SEC. 2. All political power is inherent in the people, and all free governments are founded in their authority and instituted for their benefit ; therefore they have an inalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety, happiness, and the public good shall require it.

SEC. 3. All men shall have a natural and inalienable right to worship God according to the dictates of their own consciences ; and the general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or to disturb any person in his religious worship or sentiments ; and all persons demean-

ing themselves peaceably as good members of this State, shall be equally under the protection of the laws; and no subordination or preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be ever required for any office of trust under this constitution.

SEC. 4. Any person of this State who may hereafter be engaged, directly or indirectly, in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this State.

SEC. 5. Every person may speak write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to abridge the liberty of speech or of the press.

SEC. 6. The people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures.

SEC. 7. The right of trial by jury shall remain inviolate; and all prisoners shall be heard by self or counsel, at their own election; and no person shall be held to answer a capital or otherwise infamous crime unless on presentment or indictment of a grand jury; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb, nor be compelled, in any criminal case, to be a witness against himself.

SEC. 8. All penalties and punishments shall be in proportion to the offence; and all offences, before conviction, shall be bailable, except capital offences, where the proof is evident or the presumption great; excessive bail shall not be required.

SEC. 9. The writ of *habeas corpus* shall not be suspended, unless in case of rebellion or invasion, or the public safety shall require it.

SEC. 10. Treason against this State shall consist only in levying war against it, or adhering to its enemies, or giving them aid and comfort.

SEC. 11. The general assembly shall pass no bill of attainder, or *ex-post facto* law, or law impairing the obligation of contracts.

SEC. 12. The law shall not be suspended but by legislative authority.

SEC. 13. The right of petition by the people shall be preserved inviolate.

SEC. 14. The right of citizens to keep and bear arms for common defence shall not be questioned.

SEC. 15. Private property shall not be taken for public use without just compensation.

SEC. 16. No standing army shall be kept up in this State in time of peace, and the military shall at all times and in all places be in strict subordination to civil power.

SEC. 17. The enumeration of certain rights shall not be construed to impair or deny others retained by the people.

ARTICLE III.

The powers of government of the State of Deseret shall be divided into three distinct departments, viz: legislative, executive, and judicial.

ARTICLE IV.

Of the legislative.

SECTION 1. The legislative authority shall be vested in a general assembly, consisting of a senate and house of representatives, the members of which shall be elected by the people.

SEC. 2. The sessions of the general assembly shall be annual, until otherwise provided by legislative enactment; and the first session shall be as hereinafter provided.

SEC. 3. The members of the house of representatives shall be chosen biennially by the qualified electors of their respective districts, whose term of office shall continue two years from the day of their election.

SEC. 4. Senators shall be chosen in the same manner as the representatives, whose term of office shall continue four years from the day of their election.

SEC. 5. No person shall be a member of the general assembly except he be a free white male citizen of the United States, and an inhabitant of this State one year preceding the time of his election, and has, at his election, an actual residence in the district he may be chosen to represent.

SEC. 6. The general assembly shall have power to prescribe the number and make the apportionment of senators and representatives: *Provided*, the number of senators shall not be less than one-third nor more than one-half of the representatives; and at its first session the general assembly shall be divided by lot, as equally as may be, into two classes; the seats of the representatives of the first class shall be vacated at the expiration of one year, and of the senators of the first class at the expiration of two years.

SEC. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members.

SEC. 8. A majority in each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalty as each house may provide.

SEC. 9. Each house shall have all powers necessary for a branch of the general assembly of a free and independent government.

SEC. 10. Each member of the general assembly shall be privileged from civil arrest during any session, and in going to and returning from the same.

SEC. 11. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 12. The members of the general assembly shall take an oath or affirmation to support the Constitution of the United States and of this State, which may be administered by each other, or by any person qualified to administer oaths.

SEC. 13. The veto power of the governor shall be allowed by the general assembly, except on bills which, when reconsidered, shall be again passed by a majority of two-thirds; and any bill vetoed by the

governor shall be returned within ten days (Sundays excepted) with his objections, otherwise it shall become a law, unless the general assembly, by adjournment, prevent its return.

SEC. 14. Every law passed by the general assembly shall take effect from and after its publication, unless otherwise provided at the time of its enactment.

SEC. 15. At the first election after this constitution takes effect the voters of this State shall elect the same number of senators and representatives as are now elected to the legislative assembly of the Territory of Utah, and according to the present apportionment.

SEC. 16. The legislative power of the general assembly of this State shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and of this State.

ARTICLE V.

Of the Executive.

SECTION 1. The executive power shall be vested in a governor, whose term of office shall be four years. A lieutenant governor shall be elected at the same time and for the same term, who shall be the president of the senate.

SEC. 2. No person shall be eligible to the office of governor or lieutenant governor who has not been a citizen of the United States six years, and a resident of this State four years next preceding his election.

SEC. 3. The governor shall be commander-in-chief of the militia, navy, and all the armies of this State.

SEC. 4. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 5. He shall see that the laws are faithfully executed.

SEC. 6. When any office shall from any cause become vacant, and no mode is prescribed by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy by appointment and commission, which shall expire when such vacancy shall be filled by due course of law.

SEC. 7. He shall also have power to convene the general assembly by proclamation, when, in his opinion, the interests of the State require it.

SEC. 8. He shall communicate by message to the general assembly, at every session, the condition of the State, and recommend such measures as he in his wisdom shall deem expedient.

SEC. 9. In case of disagreement in the general assembly with regard to the time of adjournment, the governor shall have power to dissolve the session by proclamation.

SEC. 10. No person shall, while holding any lucrative office under the United States or this State, execute the office of governor, except as shall be prescribed by law.

SEC. 11. The governor shall have power to grant reprieves and par-

dons, and commute punishments after conviction, except in cases of impeachment.

SEC. 12. There shall be a seal of this State, which shall be kept by the governor and used by him officially, and be called "Great Seal of the State of Deseret."

SEC. 13. All grants and commissions shall be in the name and by the authority of the people of the State of Deseret, sealed with the great seal of State, signed by the governor, and countersigned by the secretary of state.

SEC. 14. A secretary of state, treasurer, auditor of public accounts, and attorney general, shall be elected by the general assembly, who shall continue in office for the term of four years, and shall perform such duties as may be assigned them by law.

SEC. 15. In case of impeachment of the governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant governor until such disability shall cease or the vacancy be filled.

ARTICLE VI.

Of the judicial.

SECTION 1. The judicial power shall be vested in a supreme court, district courts, and such inferior courts as the general assembly may from time to time establish.

SEC. 2. The supreme court shall consist of a chief justice and two associates, two of whom shall be a quorum to hold courts.

SEC. 3. The supreme judges shall be elected by the general assembly for the term of six years after the first election under this constitution. At said first election one shall be elected for two years, one for four years, and one for six years.

SEC. 4. The judges of the supreme court shall be conservators of the peace throughout the State, and shall exercise such other jurisdiction and appellate powers as shall be prescribed by law.

SEC. 5. Until otherwise provided by the general assembly the State is hereby divided into eleven judicial districts, as follows:

Great Salt Lake and Summit counties shall compose the first judicial district.

Utah and Cedar counties shall compose the second judicial district.

Juab and San Pete counties shall compose the third judicial district.

Millard and Beaver counties shall compose the fourth judicial district.

Iron and Washington counties shall compose the fifth judicial district.

Carson county shall compose the sixth judicial district.

Humboldt, St. Mary's, Greasewood, and Malad counties shall compose the seventh judicial district.

Cache and Box Elder counties shall compose the eighth judicial district.

Weber and Davis counties shall compose the ninth judicial district.
Green River county shall compose the tenth judicial district.

Tooele, Shambip, and Deseret counties shall compose the eleventh judicial district.

SEC. 6. The judges of the district courts shall be elected by the electors of their respective districts, whose term of office shall be two years, and shall have such jurisdiction as may be prescribed by the general assembly.

SEC. 7. The style of all process shall be "State of Deseret," and all criminal prosecutions shall be in the name and by the authority of the people of the State.

ARTICLE VII.

Of elections.

SECTION 1. All male persons over twenty-one years of age having a residence of six months in this State, being citizens of the United States, shall be entitled to vote.

SEC. 2. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

SEC. 4. No person in the military, naval, or marine service of the United States, by being stationed in any garrison, barrack, military or naval place or station within this State shall be entitled to vote unless otherwise provided for by law.

SEC. 5. No idiot or insane person, or person guilty of any infamous crime shall be entitled to the privilege of an elector.

SEC. 6. The first general election under this constitution shall be held at such time as the acting governor of this Territory, by proclamation, shall appoint, for the election of a governor, lieutenant governor, representatives in the Congress of the United States, members of the general assembly, and all other officers of this State, as provided for in this constitution. Said election shall be conducted and returns made in accordance with the existing laws of the Territory of Utah at the time when said election shall be called.

SEC. 7. The first meeting of the general assembly shall be as directed by proclamation by the governor elect, and subsequent sessions shall be held as provided by law.

ARTICLE VIII.

Of the militia.

SECTION 1. The militia of this State shall be composed of all able-bodied male citizens between the ages of 18 and 45 years, except such as

are or may hereafter be exempt by the laws of the United States or of this State, and shall be armed, equipped, and trained as the general assembly may provide by law.

SEC. 2. All commissioned officers of the militia shall be elected as the general assembly shall prescribe, and shall be commissioned by the governor of the State.

ARTICLE IX.

Amendments of the Constitution.

SECTION 1. If at any time the general assembly deem it necessary, and for the best interests of the State, that this constitution be revised, altered, or amended, they shall cause such proposed revisions, alterations, or amendments to be published in the same manner as provided for notices of elections, and submitted to the votes of the electors of the commonwealth at their next general election; and if a majority of said electors shall vote in favor of such proposed revisions, alterations, or amendments, the same shall thereafter become parts of this constitution, otherwise this constitution shall remain unaltered.

ARTICLE X.

Miscellaneous Provisions.

SECTION 1. In order that no inconvenience may arise in passing from a territorial to a State government, it is hereby declared that the present organization, laws, and everything pertaining to the territorial government of Utah, shall remain in full force and virtue in law, until superseded by the action of the State government under the provisions of this constitution.

SEC. 2. The compensation of the governor, lieutenant governor, judges, members of the general assembly, and all other officers, shall be as may be prescribed by law.

SEC. 3. All officers of this State may continue in office until superseded by their successors.

SEC. 4. The officers created by virtue of this constitution shall take an oath or affirmation to support the Constitution of the United States, and of this State, and to faithfully perform the duties of their office.

SEC. 5. The general assembly shall encourage education.

J. M. Grant,
Daniel U. Wells,
Albert Harrington,
Edwin D. Woolley,
Almon W. Bobbett,
John F. Kinney,
William Bell,
Garland Dent,
W. H. Hooper,

S. M. Blair,
Orson Pratt, sen.,
Parley P. Pratt,
J. Chittle,
Samuel W. Richards,
Geo. P. Stiles,
T. S. Williams,
Great Salt Lake County.

Louis Farr,
 Chauncey W. West,
 Lorenzo Snow,
 Jonathan C. Wright,
Weber County.

Joseph Holbrook,
 James Leithead,
 J. D. Parker,
Davis County.

Geo. D. Smith,
 J. C. Haight,
Iron County.

John D. Lee,
Washington County.

Ezra T. Benson,
Tooele County.

Leonard E. Harrington,
 James C. Snow,
 B. F. Johnson,
 Joseph A. Kelting,
 Aaron Johnson,
Utah County.

Madison D. Hambleton,
Juab County.

Israel Morley,
 George Peacock,
San Pete County.

Samuel P. Hoyt,
 Reuben M. Bride,
Millard County.

Enoch Reise,
Carson County.